

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rolando Vasquez	Team: Squad #13	CCRB Case #: 202003728	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 05/29/2020 7:20 PM	Location of Incident: In front of the Barclays Center (620 Atlantic Avenue)	Precinct: 78	18 Mo. SOL 11/29/2021	EO SOL 5/4/2022	
Date/Time CV Reported Sat, 05/30/2020 9:45 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sat, 05/30/2020 9:45 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Jason Goodman	18413	943315	078 PCT
2. LT Dawn Adames	00000	936668	107 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Thomas Kelly	15657	957732	107 PCT

Officer(s)	Allegation	Investigator Recommendation
A.LT Dawn Adames	Force: Lieutenant Dawn Adames used physical force against § 87(2)(b)	
B.POM Jason Goodman	Force: Police Officer Jason Goodman struck § 87(2)(b) with a baton.	

Case Summary

On May 30, 2020, § 87(2)(b) filed this complaint via the CCRB's website as a reporting witness on behalf of an unidentified victim subsequently identified as § 87(2)(b).

On May 29, 2020, at about 7:20 p.m., police brutality protesters gathered in front of the Barclays Center at 620 Atlantic Avenue in Brooklyn. During the event, § 87(2)(b) witnessed Lieutenant Dawn Adames of the 107th Precinct reaching for § 87(2)(b) while placing her under arrest. Other officers came to Lieutenant Adames' assistance and pulled § 87(2)(b) over a police barricade, causing § 87(2)(b) to fall to the ground (**Allegation A: Force**, § 87(2)(g)). Police Officer Jason Goodman of the 78th Precinct allegedly struck § 87(2)(b) with a baton (**Allegation B: Force**, § 87(2)(g)).

§ 87(2)(b) was arrested and charged with Unlawful Assembly. She was released from custody with a Desk Appearance Ticket ("DAT"). As of September 24, 2020, the Office of Court Administration (OCA), has no record of the disposition of the § 87(2)(b)'s arrest (BR06).

Body worn camera (BWC) video of the incident was obtained and is attached to IA #71 and #112 and is summarized in IA#104 (BR01-03). Cell phone video of the incident was obtained and is attached to IA#35 and is summarized in IA#90 (BR04-05). Surveillance video from the Barclays Center is attached to IA#87 (BR08) and is summarized in IA#164 (BR15).

Findings and Recommendations

Allegation (A) Force: Lieutenant Dawn Adames used physical force against § 87(2)(b)

§ 87(2)(b) testified that he was attending a protest at the Barclays Center. Officers had established a line of metal barricades in an arc around the entrance to the arena which created a divide between the protestors and the officers who were posted in front of the arena (BR07). An officer, identified by the investigation as Lieutenant Adames, and three other officers reached over the barricades and grabbed a civilian, identified by the investigation as § 87(2)(b) seemingly by her backpack straps, and pulled her toward the barricade which separated them. § 87(2)(b) watched this from about 15 feet away. When she was pulled toward the barricade, § 87(2)(b) put her feet on the bottom of the barricade and pulled away from the officers, § 87(2)(b) believed to break free from them. After about 10-15 seconds, Lieutenant Adames and the other officers successfully pulled § 87(2)(b) over the barricade, which caused her to fall to the ground onto her stomach. As § 87(2)(b) came over the barricade, the officers held her by her arms, seemingly so she would not land on her face. After § 87(2)(b)'s wrists were zip-tied, she was picked up and walked into the Barclays Center. § 87(2)(b) did not notice if § 87(2)(b) had a limp or any signs of injury. § 87(2)(b) did not know why § 87(2)(b) was pulled over the barricade and had not noticed anything happening in § 87(2)(b)'s vicinity before the officers grabbed her.

§ 87(2)(b) was unavailable to the investigation (see IAs for contact attempts).

The BWC footage from Lieutenant Adames and PO Thomas Kelly of the 107th Precinct, does not capture how this incident started. Both BWC videos start after § 87(2)(b) was already pulled over the barricade (BR01-02).

Cell phone video of the incident was retrieved from YouTube. Starting at the 00:04 second mark (on the media player timestamp visible at the bottom of the screen), Lieutenant Adames and other officers are seen reaching over a police barricade into a crowd of people (BR04). At 00:11, § 87(2)(b)'s legs are seen coming over the barricade toward the right of the screen. The same encounter is captured from a different angle in the same video starting at 00:30. § 87(2)(b) is pulled over the barricade and falls to the ground. Due to the speed with which § 87(2)(b) was

pulled over the barricade and the presence of officers standing in front of the recorder of the video, the video does not capture how § 87(2)(b) landed on the ground. At 00:34, a few seconds after landing on the ground, § 87(2)(b) is in a face-down position. The video does not show whether § 87(2)(b) sustained any visible injuries.

Starting at the 24:10 minute mark of the surveillance video from the Barclays Center (on the media player timestamp visible at the bottom of the screen), Lieutenant Adames (dressed in a uniform with a white shirt) is visible on the left side of the screen next to a large triangular structure beyond the police barricades. The video depicts a large crowd of protestors in the area in front of the Barclays Center and across the street. Various objects are being thrown at officers posted in front of the Barclays Center. At 24:25, a barricade in front of Lieutenant Adames is pushed forward. Lieutenant Adames walks toward the barricade. At 24:31, Lieutenant Adames reaches over the barricade. At 24:43, § 87(2)(b) is seen being pulled over the barricade (BR08). Due to the distance of the camera from the interaction, the video does not provide any further clarity as to what precipitated the action.

Lieutenant Adames and PO Kelly testified that they were mobilized from their regular assignment in the 107th Precinct to cover a protest detail at the Barclays Center (BR09-10). They were originally posted across the street from the arena but were re-routed to a post in front of the entrance to the arena due to a gathering of protestors which had grown to over 1000 people. While posted in front of the arena, protestors threw bottles and various other hard objects at the officers.

Lieutenant Adames testified that there was a group of women, including § 87(2)(b) standing behind the barricades near her. Lieutenant Adames did not know if the women in this group were together. For a period of five to ten minutes after arriving at her post, the women screamed directly at Lieutenant Adames and made remarks such as “Fuck the police” and “I hope you and your family die.” Lieutenant Adames ignored the group of women. § 87(2)(b) spit at Lieutenant Adames and the spit landed on Lieutenant Adames’ forehead. Lieutenant Adames reached over the barricade and grabbed a hold of § 87(2)(b)’s shoulders with both hands while § 87(2)(b) was facing her. Lieutenant Adames intended to pull § 87(2)(b) toward the barricade so that she could be brought to the other side and be placed under arrest. However, § 87(2)(b) pulled away from Lieutenant Adames which prevented Lieutenant Adames from controlling § 87(2)(b). At the same time, other protesters were pulling § 87(2)(b) away from Lieutenant Adames.

Other officers, including PO Mark Blackburn, PO Michael Moses, and PO Kelly, all of the 107th Precinct, came over and assisted Lieutenant Adames in controlling § 87(2)(b) by reaching for § 87(2)(b)’s arms and pulling her toward the barricade. Lieutenant Adames fell during the struggle, she was not sure what caused her to fall. Lieutenant Adames did not remember how § 87(2)(b) was brought over the barricade. After Lieutenant Adames was helped up from the ground by an officer, she saw that § 87(2)(b) was face down on the ground being handcuffed by officers.

Lieutenant Adames was uninjured and did not seek medical treatment. No AIDED Report, Line-of-Duty Injury Report, or Exposure Reports were prepared on Lieutenant Adames’ behalf. Lieutenant Adames said she did not seek medical treatment regarding being spit on because the spit landed on her forehead and did not cause injury, and because it was a common occurrence for protestors to spit on officers during these protest events.

PO Kelly testified that while standing in front of a line of barricades, his attention was drawn to his left where he saw a commotion involving several officers and protestors behind a barricade. The officers were reaching over the barricade and the protestors were pushing the officers. PO Kelly did not know what started this commotion and did not see § 87(2)(b) spit at Lieutenant Adames. PO

Kelly approached the crowd and placed a hand on § 87(2)(b)'s arm. § 87(2)(b) pulled away. Due to § 87(2)(b) pulling away and an unknown substance on the floor, PO Kelly started to lose his footing. The unidentified officers next to PO Kelly pulled § 87(2)(b) which caused her to be brought over the barricade. PO Kelly did not remember how the other officers were making physical contact with § 87(2)(b) when they pulled her and did not remember seeing her come over the barricade. PO Kelly fell backwards onto his back as § 87(2)(b) was brought over the barricade.

PO Goodman testified that he had no knowledge of why § 87(2)(b) was being arrested (BR11). PO Goodman did not see how § 87(2)(b) ended up on the ground, but she was in a face-down position on the ground when he first saw her. PO Goodman walked over and protected the area around where § 87(2)(b) was being handcuffed after she and the other officers were already on the ground. PO Goodman's back was facing the officers arresting § 87(2)(b) and he did not see what happened to her after she was handcuffed.

§ 87(2)(b) was arrested for unlawful assembly. Her arrest report, which was prepared by PO Kelly, notes that § 87(2)(b) and other individuals were observed engaged in violent and tumultuous conduct. For over an hour, PO Kelly observed demonstrators throw plastic bottles with water and milk at officers, throw glass bottles, and throw metal barricades at officers. Lieutenant Adames informed PO Kelly that § 87(2)(b) spit in Lieutenant Adames' face (BR20).

A Threat, Resistance, Injury (TRI) report prepared regarding this incident states that § 87(2)(b) spit at Lieutenant Adames and then pulled away from officers. § 87(2)(b) was pulled away from a hostile crowd and placed into police custody (BR19).

Force may be used when it is reasonable to ensure the safety of a member of the service or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. NYPD Patrol Guide, Procedure 221-01 (BR18).

§ 87(2)(b), § 87(2)(g)

Allegation (B) Force: Police Officer Jason Goodman struck § 87(2)(b) with a baton.

§ 87(2)(b) testified that after § 87(2)(b) was pulled over the barricade and was on the ground, several officers surrounded her, held her on the ground, and placed her wrists in zip-ties. § 87(2)(b) did not make any movements after she landed on the ground. PO Goodman ran over and struck § 87(2)(b) with his baton once somewhere on the lower right side of her body; § 87(2)(b) could not see specifically where § 87(2)(b) was struck with the baton. He did not have a good view of § 87(2)(b) because the bodies of the other officers obstructed her body as § 87(2)(b) watched from about 15-20 feet away. § 87(2)(b) was stood up and taken inside the Barclays Center.

As noted above, § 87(2)(b) was unavailable to the investigation. Requests to the IAB-CCRB Liaison's Unit did not return any results for an AIDED report or Medical Treatment of Prisoner Report for § 87(2)(b) (BR16-17).

Cell phone video depicts officers surrounding § 87(2)(b) on the ground after she is pulled over the barricade (BR04). At the 00:40 second mark (of the media player timestamp visible at the bottom of the screen), PO Goodman, who is wearing sunglasses and holding a baton, enters the frame from the right side of the screen and walks toward § 87(2)(b). The relevant clip ends immediately thereafter and does not show what actions, if any, PO Goodman took.

PO Kelly's BWC video begins at the 00:00 second mark (of the media player timestamp visible at the bottom of the screen) and depicts him approaching § 87(2)(b) and positioning himself near her legs as she is being held down and placed in handcuffs (BR01). § 87(2)(b) is lying on the ground surrounded by several officers whose faces are not visible. The video does not identifiably capture PO Goodman, nor does it capture anyone striking § 87(2)(b) with a baton.

As detailed above, PO Goodman testified that he saw a lieutenant and other officers on the ground arresting someone. He ran over because the officers had their backs toward a crowd of people who were throwing bottles and other objects at them from behind. PO Goodman stood in between the officers and the crowd until § 87(2)(b) was handcuffed. Aside from standing in between the officers and the crowd, PO Goodman did not remember doing anything else during this incident. PO Goodman had his baton in his hand to protect himself and other officers throughout various points in the protest because people were acting violently by pushing officers and throwing objects at officers including barricades, bottles, and other hard objects. He held his baton in his hand while standing between the officers and the crowd, but he did not strike § 87(2)(b) with his baton and he did not see any officer do so. PO Goodman then walked away and did not see what happened to § 87(2)(b) after she was handcuffed.

Lieutenant Adames testified that she fell during the struggle to get § 87(2)(b) on the other side of the barricade. Once Lieutenant Adames stood up, she walked away toward the entrance to the arena to wipe the spit off her forehead. Lieutenant Adames did not see any officer strike § 87(2)(b) with a baton. When shown an image of PO Goodman during her CCRB interview, Lieutenant Adames recognized him as an officer who was posted in front of the Barclays Center, but she did not remember if he had any involvement in § 87(2)(b)'s arrest. Lieutenant Adames saw § 87(2)(b) again inside the Barclays Center. § 87(2)(b) did not have any visible injuries and Lieutenant Adames did not hear her complain of any injuries or of being struck with a baton.

PO Kelly testified that he raised himself into a kneeling position and held down § 87(2)(b)'s legs while other officers handcuffed her. PO Kelly denied that any officer struck her with a baton. § 87(2)(b) had no visible injuries and she did not complain of any injuries in PO Kelly's presence.

The TRI Report prepared regarding this incident reflects that the only force used against § 87(2)(b) was "wrestling/grapping." The narrative section only describes officers pulling § 87(2)(b) in response to her resistance. The TRI does not note the use of a baton and does not note any injuries to § 87(2)(b) (BR19).

Although § 87(2)(b) alleged that PO Goodman struck § 87(2)(b) with a baton, PO Goodman denied doing so and none of the interviewed officers acknowledged seeing him do so. There is no video evidence or NYPD documentation of § 87(2)(b) being struck with a baton. § 87(2)(b) was unavailable to the investigation and therefore could not speak to whether she was struck with a baton, nor could her medical records be obtained. § 87(2)(b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) is a party (BR12).
- This is the second complaint to which § 87(2)(b) is a party. § 87(2)(b)
- Lieutenant Adames has been a member of the service for 15 years and has been a subject in one prior CCRB complaint involving one allegation which was not substantiated. Lieutenant Adames' CCRB history does not reveal any pattern pertinent to this investigation.
- PO Goodman has been a member of the service for 13 years and has been a subject in four prior CCRB complaints involving seven allegations, none of which were substantiated. PO Goodman is also a subject in two open CCRB complaints stemming from incidents during the same protest involved in this complaint. In CCRB 202003717, allegations that PO Goodman struck individuals with a baton are pending investigation.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of September 25, 2020, the Office of the NYC Comptroller has no record of a Notice of Claim being filed regarding this incident (BR13).
- § 87(2)(b) and § 87(2)(b) have no history of convictions in NYC (BR06).

Squad No.: 13

Investigator:	<u>Rolando Vasquez</u>	<u>SI Rolando Vasquez</u>	<u>10/13/20</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Laura Kastner</u>	<u>IM Laura Kastner</u>	<u>10/13/2020</u>
	Signature	Print Title & Name	Date